



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.18079 of 2013

M.Chellam

: Petitioner

Vs.

1. The Secretary to Government,
Finance (Pension) Department,
Secretariat,
Chennai-600 009.

2. The Director of Pension,
259, 3rd Block,
2nd Floor, D.M.S.Compound,
Thenampet,
Chennai-600 006.

3. The Treasury Officer,
District Treasury,
Madurai-625 020.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the respondents to reimburse Rs.2,77,000/- (Rupees Two Lakhs Seventy Seven Thousand only) being the balance of the actual medical expenditure incurred by the petitioner for the major surgeries of Bentalls' Operation and Coronary Artery By Pass Graft Surgery undergone by the petitioner in Meenakshi Mission Hospital and Research Centre, Madurai, on 30.01.2013, within a specified period that may be fixed by this Court.

For Petitioner

: Mr.S.Govindan

For Respondents

: Mr.Aayiram K.Selvakumar,
Government Advocate

ORDER

The Government have sanctioned a sum of Rs.1,00,000/- (Rupees One Lakh only) to the petitioner towards reimbursement of medical expenses. Since the eligible amount, as per the Government Order in G.O.No.462, Finance (Pension) Department, dated 27 December, 2013, was not given, the petitioner has come up with



this Writ Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

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3. The petitioner was a subscriber to the Tamil Nadu Government Employees Health Fund Scheme. The petitioner worked as a Personal Assistant to the District Judge and on attaining the age of superannuation, retired on 03 September, 2003. The petitioner had undergone by-pass surgery on 30 January, 2013. The petitioner incurred a total sum of Rs.3,77,000/- (Rupees Three Lakhs and Seventy Seven Thousand only) towards medical expenses. The Government sanctioned a sum of Rs.1,00,000/- (Rupees One Lakh only) on the basis of the earlier Government Order in G.O.Ms.No.236, Finance (Salaries) Department, dated 30 March, 1995. As per the subsequent Government Order in G.O.No.462, Finance (Pension) Department, dated 27 December, 2013, the petitioner is entitled to a total amount of Rs.2,00,000/- (Rupees Two Lakhs only). Since the said amount was not paid, the petitioner has come up with this Writ Petition.

4. The counter-affidavit filed by the respondents clearly indicates that the petitioner spent a sum of Rs.3,77,000/- (Rupees Three Lakhs and Seventy Seven Thousand only) towards treatment. It is also not in dispute that the Government have sanctioned only a sum of Rs.1,00,000/- (Rupees One Lakh only).

5. The Government Order in G.O.No.462, Finance (Pension) Department, dated 27 December, 2013, clearly indicates that the members of the Tamil Nadu Government Pensioners Health Fund are entitled to a sum of Rs.2,00,000/- (Rupees Two Lakhs only) for a block period of four years from the date of launching the Scheme. The petitioner is a member of the Scheme. The petitioner is, therefore, entitled to a total sum of Rs.2,00,000/- (Rupees Two Lakhs only). The respondents referred to a previous Government order to fix the amount at Rs.1,00,000/- (Rupees One Lakh only). In view of the Government Order in G.O.No.462, Finance (Pension) Department, dated 27 December, 2013, the petitioner is entitled to a total sum of Rs.2,00,000/- (Rupees Two Lakhs only).

6. The respondents have already paid a sum of Rs.1,00,000/- (Rupees One Lakh only) to the petitioner. The petitioner is entitled to the remaining amount of Rs.1,00,000/- (Rupees One Lakh only) in accordance with the Government Order in G.O.No.462, Finance (Pension) Department, dated 27 December, 2013.

7. In the result, a Writ in the nature of a Writ of Mandamus is issued, directing the respondents to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the petitioner towards reimbursement of medical expenses in accordance with the



Government Order in G.O.No.462, Finance (Pension) Department, dated 27 December, 2013. The payment shall be made, within a period of eight weeks from the date of receipt of a copy of this order.

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8. The Writ Petition is allowed in part as indicated above. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-600 009.
2. The Director of Pension,
259, 3rd Block,
2nd Floor, D.M.S.Compound,
Thenampet, Chennai-600 006.
3. The Treasury Officer,
District Treasury,
Madurai-625 020.

+1cc to Mr.S.Govindan, Advocate, Sr.No.37601

SML/JIKR

JM/ARK-PV/SAR-III/02.08.2016/3P-5C

Order made in
W.P.(MD)No.18079 of 2013
Dated:- 19.07.2016